

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT WIRELESS
TECHNOLOGIES, LP, §
§
§
Plaintiff, § Case No. 2:13-cv-00213
§
v. §
§
SAMSUNG ELECTRONICS CO. LTD.; §
SAMSUNG ELECTRONICS AMERICA, §
INC.; SAMSUNG TELECOMMUNICATIONS §
AMERICA, LLC; SAMSUNG AUSTIN §
SEMICONDUCTOR, LLC; RESEARCH IN §
MOTION, CORP. and RESEARCH IN §
MOTION, LTD, §
§
Defendants. §

Jury Trial Requested

**PLAINTIFF REMBRANDT WIRELESS TECHNOLOGIES, LP'S
DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT
CONTENTIONS AND ACCOMPANYING DOCUMENT PRODUCTION**

Pursuant to Local Patent Rules 3-1 and 3-2, Plaintiff Rembrandt Wireless Technologies, LP (“Rembrandt”) hereby provides its Disclosure of Asserted Claims and Infringement Contentions and accompanying Document Production to Defendants Samsung Electronics Co. Ltd. (“SEC”), Samsung Electronics America, Inc. (“SEA”), Samsung Telecommunications America, LLC (“STA”), Samsung Austin Semiconductor, LLC (“SAS”)¹, Research in Motion Corp. (“RIM Corp.”), and Research in Motion Ltd. (“RIM Ltd.”)² (collectively “Defendants”). Rembrandt contends that all Samsung and RIM products that practice Bluetooth Standard

¹ Collectively SEC, SEA, STA, and SAS are referred to herein as “Samsung”.

² Collectively RIM Corp. and RIM Ltd. are referred to herein as “RIM”.

Samsung Ex. 1305
(Samsung v. Rembrandt)

Version 2.0 + EDR, Version 2.1 + EDR, Version 3.0 + HS, and Version 4.0 (“Defendants’ Bluetooth Products”) fall within the scope of the asserted claims of United States Patent No. 8,023,580 (“the ’580 Patent”) and the asserted claims of United States Patent No. 8,457,228 (“the ’228 Patent”) as made, used, sold, offered for sale and/or imported by Defendants and/or Defendants’ customers.

Rembrandt’s statements concerning Defendants’ Bluetooth Products are based on publicly available materials which identify Defendants’ products that practice Bluetooth Standards Version 2.0 + EDR, Version 2.1 + EDR, Version 3.0 + HS, and Version 4.0. At this time, Rembrandt has had no discovery to date from Defendants. Rembrandt expects that additional Defendants’ Bluetooth Products will be identified during discovery. Accordingly, Rembrandt reserves the right to supplement or alter its disclosure herein based on additional information obtained through formal discovery or other means concerning Defendants’ products.

I. P.R. 3-1(a) - Asserted Claims

Pursuant to P.R. 3-1(a), and based on the information presently available to it, Rembrandt contends that Samsung and RIM currently infringe and/or have infringed (directly and/or indirectly) the following Asserted Claims:

- claims 1, 2, 4, 5, 10, 13, 19, 20, 21, 22, 23, 25, 29, 30, 32, 34, 38, 40, 41, 43, 44, 47, 49, 52, 53, 54, 57, 58, 59, 61, 62, 66, 70, 76, 77, 78, 79 of the ’580 Patent; and
- claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 31, 36, 37, 38, 39, 40, 41, 43, 47, 48, 49, 50, 51, 52 of the ’228 Patent.

Rembrandt expressly reserves the right to augment and supplement its identification of Asserted Claims based on additional information obtained through discovery.

II. P.R. 3-1(b) - Accused Products

Pursuant to P.R. 3-1(b), and based on information presently available to it, Rembrandt asserts that the Samsung Bluetooth Products listed in Exhibit A are marketed and sold as interoperable in accordance with Bluetooth Standard Version 2.0 + EDR, Version 2.1 + EDR, Version 3.0 + HS, and Version 4.0, and as a result satisfy each of the elements of the Asserted Claims. Moreover, Samsung sells or otherwise transfers its Accused Bluetooth Products to customers, actively encouraging them to use those Accused Bluetooth Products in a manner which induces and contributes to the infringement of the Asserted Claims.

Based on information presently available to it, Rembrandt asserts that the RIM Bluetooth Products listed in Exhibit B are marketed and sold as interoperable in accordance with Bluetooth Standard Version 2.0 + EDR, Version 2.1 + EDR, Version 3.0 + HS, and Version 4.0, and as a result are believed to satisfy each of the elements of the Asserted Claims. Moreover, RIM sells or otherwise transfers its Accused Bluetooth Products to customers, actively encouraging them to use those Accused Bluetooth Products in a manner which induces and contributes to the infringement of the Asserted Claims.

Defendants infringe the Asserted Claims as specified in the charts identified in section III, below. Rembrandt's identification of accused products is merely exemplary, and Defendants' forthcoming products with the same or similar functionality as that identified in the attached charts also infringe the Asserted Claims. Rembrandt expressly reserves the right to augment and supplement its identification of Asserted Claims and infringing products based on additional information obtained through formal discovery and as additional products are introduced.

III. P.R. 3-1(c) - Claim Charts

Pursuant to P.R. 3-1(c), Rembrandt's detailed infringement assertions with respect to the Asserted Claims are contained in the charts labeled Exhibits C-D.

IV. P.R. 3-1(d) - Doctrine of Equivalents

Pursuant to P.R. 3-1(d), Rembrandt asserts that the claims are literally infringed as reflected in attached Exhibit C and D. At this time, Rembrandt knows of no specific limitations of the asserted claims where infringement depends on the doctrine of equivalents. To the extent Defendants successfully argue that any of the limitations are not literally present in the Accused Bluetooth Products, the charts identify illustrative support for where the equivalent feature is found under the doctrine of equivalents. Rembrandt expressly reserves the right to modify, augment, and/or supplement its assertion of infringement under the doctrine of equivalents of any elements of any of the asserted claims after discovery from Defendants and/or third parties and/or after this Court has set forth its construction of the asserted claims.

V. P.R. 3-1(e) - Priority Claim to an Earlier Application

Pursuant to P.R. 3-1(e), each of the Asserted Claims is entitled to a filing date of December 5, 1997 because each is entitled to claim priority to U.S. Provisional Patent Application serial no. 60/067,562.

V. P.R. 3-1(f) - Own Products That Practice Inventions

Pursuant to P.R. 3-1(f), Rembrandt does not at this time intend to rely on the assertion that its apparatus, product, device, process, method, act, or other instrumentality practices any of the claimed inventions.

VI. P.R. 3-2(a) – Documents Evidencing Disclosures, Sales or Offers to Sell

Pursuant to P.R. 3-2(a), Rembrandt is unaware of any documents that evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit.

VI. P.R. 3-2(b) – Documents Evidencing Conception, Reduction to Practice, Design and Development

Pursuant to P.R. 3-2(b), the following documents evidence the conception, reduction to practice, design, and development of each claimed invention and were created on or before the December 5, 1997 priority date of the patents-in-suit: RIP00004310 – 4343

VII. P.R. 3-2(c) – File Histories of Patents-In-Suit

Pursuant to P.R. 3-2(c), the following documents are copies of the file histories of the patents-in-suit: RIP00000001 – 4309

Date: July 25, 2013

Respectfully submitted,

/s/ Eric J. Enger

Michael F. Heim (Texas Bar No. 09380923)
mheim@hpcllp.com
Eric Enger (Texas Bar No. 24045833)
eenger@hpcllp.com
Miranda Y. Jones (Texas Bar No. 24065519)
mjones@hpcllp.com
HEIM, PAYNE & CHORUSH, LLP
600 Travis Street, Suite 6710
Houston, Texas 77002-2912
Telephone: (713) 221-2000
Facsimile: (713) 221-2021

Demetrios Anaipakos (Texas Bar No. 00793258)
danaipakos@azalaw.com
Amir Alavi (Texas Bar No. 00793239)
aalavi@azalaw.com
Steven J. Mitby (Texas Bar No. 24037123)
smitby@azalaw.com
Brian E. Simmons (Texas Bar No. 24004922)
bsimmons@azalaw.com

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.